

**REMARKS**

This preliminary amendment is filed in order to facilitate processing of the above-identified application and is filed in response to the Office Action dated January 30, 2003 in which the Examiner rejected claims 31-42 under 35 U.S.C. § 103 and stated that claims 19-26 are allowed.

As indicated above, the claims have been amended to make explicit what is implicit in the claims. Applicants respectfully submit the amendment is unrelated to a statutory requirement for patentability and does not narrow the literal scope of the claims.

Claims 31, 35, 39 and 41 claim a photographic apparatus having (a) recording section(s) and a controller. The recording section is capable of recording moving pictures and also pictures to be reproduced as still pictures on a recording medium. The controller controls the photographic apparatus, which is operated by a voluntary operation of an operator, to selectively carry out a plurality of shooting and reproducing modes. The shooting mode includes a mode in which the moving picture is recording on the recording medium and a mode in which the picture to be reproduced as the still picture is recorded on the recording medium. The reproducing modes include a mode in which the moving picture recorded on the recording medium is produced, a mode in which the picture recorded on the recording medium so as to be reproduced as a still picture is reproduce and a mode in which the still picture is reproduced out of the moving picture which is recorded on the recording medium to be reproduced as the moving picture.

Through the structure on the claimed invention having a controller which controls the photographic apparatus to selectively carry out the plurality of shooting and

reproducing modes including at least a mode in which a still picture is reproduced out of a moving picture which is recorded on a recording medium to be reproduced as the moving picture, as claimed in claims 31, 35, 39 and 41, the claimed invention provides a photographing apparatus functioning both as a still camera and a video camera in which entries to a database can be easily retrieved. The prior art does not show, teach or suggest the invention as claimed in claims 31, 35, 39 and 41.

Claims 31-42 are rejected under 35 U.S.C. § 103 as being unpatentable over *Ootsuka* (U.S. Patent No. 5,774,754) in view of *Kozuki et al.* (U.S. Patent No. 5,589,943).

*Ootsuka* appears to disclose in Fig. 38 the subroutine "Reproduction". It is first discriminated whether either the silver-halide still image photographing mode or the electronic still image photographing mode is set (Steps #430 and #432). If neither of them is set (NO in Steps #430 and #432), this subroutine returns after prohibiting a control for the preview (pre-operation) and post-operation confirmation. If either of the above two modes is set, this subroutine proceeds to Step #434 to execute a control for the preview and the post-operation. In Step #434, it is discriminated whether a flag RECF is set. If this flag is set, i.e., the images are being recorded, this subroutine returns to prohibit the display of the preview images and confirmation images on the monitor 47. If the images are not being recorded, it is discriminated whether the switch Spv has been switched to ON (Step #436). If the discrimination result in Step #436 is in the affirmative, this subroutine returns after a subroutine "Preview" is carried out (Step #442). If the discrimination result in Step #436 is in the negative, it is discriminated whether the switch Sdpi has been

switched ON to display the image stored in the internal memory 129 or the frame memory (Step #438). If the switch Sdpi has been switched ON, the flag DPIF is set (Step #440); the subroutine "Preview" is carried out (Step #442); and this subroutine returns. Unless the switch Sdpi has been switched ON, this subroutine directly returns. (Col. 27, lines 23-49)

Thus, *Ootsuka* merely discloses that if neither the silver-halide still image photographing mode or electronic still image photographing mode is set, preview operation is prohibited. Therefore, nothing in *Ootsuka* shows, teaches or suggests a mode in which a still picture is reproduced out of a moving picture which is recorded on a recording medium and which is to be reproduced as a moving picture as claimed in claims 31, 35, 39 and 41. Rather, *Ootsuka* merely discloses that the only way preview is not prohibited is if the silver-halide still mode or electronic still image mode is set. (See column 27, lines 25-30).

Additionally, *Ootsuka* merely discloses that if a still image mode (either silver-halide or electronic) is set, the displayed image is from the internal memory 129 or frame memory (column 27, lines 40-44). Thus, nothing in *Ootsuka* shows, teaches or suggests a mode in which a still image is reproduced out of a moving picture which is recorded on a recording medium and which is to be reproduced as a moving picture as claimed in claims 31, 35, 39 and 41. Rather, the previewed image in *Ootsuka* is from an internal memory or frame memory.

*Kozuki et al.* appears to disclose an apparatus is arranged to record a video signal in first areas respectively provided in a multiplicity of tracks on a recording medium and also

a digital still-image signal in second areas which are respectively separated from the first areas. In the apparatus, while the digital still-image signal is being recorded in the second areas, the video signal is always recorded in the first areas, whereby it is possible to prevent occurrence of an uncomfortable phenomenon, such as formation of a scene devoid of a substantial image, during reproduction from the first areas. In addition, an analog still-image signal, representative of an image identical to an image represented by the digital still-image signal recorded in the second areas, is repeatedly recorded in the first areas during a predetermined time duration, whereby it is possible to facilitate search of a still-image signal recorded in the second areas. In addition, the digital still-image signal is recorded in the second areas at intervals of a predetermined period during recording of an analog moving-image signal in the first areas, whereby it is possible to record as many still images as possible. (abstract)

Thus, *Kozuki et al.* merely discloses storing a digital still-image signal in an area separated from a first area which records a video signal. Thus, nothing in *Kozuki et al.* shows, teaches or suggests a mode in which a still picture is reproduced out of a moving picture which is recorded on a recording medium and which is to be reproduced as a moving picture as claimed in claims 31, 35, 39, and 41. Rather, *Kozuki et al.* merely discloses reproducing a digital still-image signal from a second area which is separate from a first area which records a video signal (i.e., the still image is not reproduced from the video signal).

Since neither *Ootsuka* or *Kozuki et al.* show, teach or suggest a mode in which a still picture is reproduced out of a moving picture which is recorded on a recording

medium to be reproduced as a moving picture as claimed in claims 31, 35, 39 and 41, it is respectfully requested that the Examiner withdraws the rejection to claims 31, 35, 39 and 41 under 35 U.S.C. § 103.

Claims 32-34, 36-38, 40 and 42 depend from claims 31, 35, 39 and 41 and recite additional features. It is respectfully submitted the claims 32-34, 36-38 40 and 42 would not have been obvious within the meaning 35 U.S.C. § 103 over *Ootsuka* and *Kozuki et al.* at least for the reasons as set forth above. Therefore, it is respectfully requested that the Examiner withdraws the rejection to claims 32-34, 36-38, 40 and 42 under 35 U.S.C. § 103.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

If for any reason Examiner feels that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

Attorney's Docket No. 024060-064

Application No. 08/666,653

Page 16

In the event that any additional fees are due with this paper, please charge our  
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Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: 

Ellen Marcie Emas

Registration No. 32,131

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620